

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOHN DUNCAN, #180841,

Plaintiff,

v.

JOHN CUMMINGS,

Defendant.

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CIVIL ACTION NO. 2:07-CV-634-MHT

**ORDER ON MOTION**

The plaintiff filed a motion for appointment of counsel on August 21, 2007 (Court Doc. No. 12). The court notes that the facts underlying the plaintiff's claims for relief are relatively simple and the law applicable to such claims is not complex. Moreover, the pleadings filed in this case establish that the plaintiff is capable of presenting the necessary elements of his claims to this court and fail to demonstrate that there are exceptional circumstances justifying appointment of counsel. *See Bass v. Perrin*, 170 F.3d 1312, 1320 (11<sup>th</sup> Cir. 1999); *Kilgo v. Ricks*, 983 F.2d 189, 193 (11<sup>th</sup> Cir. 1993); *Dean v. Barber*, 951 F.2d 1210, 1216 (11<sup>th</sup> Cir. 1992). Accordingly, it is

ORDERED that the motion for appointment of counsel be and is hereby DENIED.

Done this 21<sup>st</sup> day of August, 2007.

/s/ Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE